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EXAMINER

RIES, LAURIE ANNE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/854,149

Applicant(s)

WEIL ET AL.

Examiner

Laurie Ries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19, 21-26, 28-43 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 21-26, 28-43 and 45-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This action is responsive to communications: amendment, filed 12/8/2004, to the original application filed 5/11/2001.

The rejection of claims 6 and 16 under 35 U.S.C. 112 has been withdrawn.

The rejection of claims 9, 11-19, 21-26, 28-32, 42-43, 45-48, and 50-51 under 35 U.S.C. 102(e) has been removed as necessitated by amendment.

Claims 10, 20, 27, and 44 have been canceled.

Claims 1-9, 11-19, 21-26, 28-43, and 45-52 are pending. Claims 1, 9, 19, 26, 33, 42, 47, 51, and 52 are independent claims.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-4, 6-9, 11-19, 21-26, 28-32, 42-43, 45-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in further view of Warnock (U.S. Patent 5,634,064).

As per claims 1 and 9, Kelley discloses a method and computer program for facilitating enhanced readability of digital documents, including paginating one or more pages of the document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 13-23), identifying and locating lines of text within the one or more pages of the document (See Kelley, Figure 6, and Column 7, lines 13-23), determining whether a virtual page boundary is coextensive with an identified line of text (See Kelley, Figure 6, and Column 7, lines 13-32), and adjusting the virtual page boundary if the boundary is coextensive with the identified line of text so that the boundary is not coextensive with the identified line of text (See Kelley, Column 6, lines 63-67, and Column 7, lines 1-4). Kelley does not disclose expressly that the digital document is a fixed digital document. Warnock discloses obtaining a fixed (or predetermined format) digital document (See Warnock, Figure 3b). Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-66). Therefore, it would have been obvious to combine Warnock with Kelley

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for the benefit of providing a familiar visual display of a fixed digital document to the reader to obtain the invention as specified in claims 1 and 9.

As per claim 2, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses displaying a virtual page of the multiple virtual pages without displaying overlap. (See Kelley, Figure 4, and Column 6, lines 60-62).

As per claim 3, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23).

Claim 19 is rejected on the same basis as claims 1 and 2.

As per claim 4, Kelley and Warnock disclose the limitations of claim 1 as described above. Warnock also discloses displaying virtual pages of the multiple virtual pages where a top synthetic virtual-page margin is displayed so that the content of the virtual page starts at a common spatial position, as determined by an offset calculated in pixels. (See Warnock, Figure 7, element 164, and Column 13, lines 38-53). Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the top synthetic virtual-page margin of Warnock with the method and program of Kelley and Warnock. The motivation for doing so would have been to allow for the determination of the end of the article or document by calculating

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the offset value in relation to the window height. (See Warnock, Column 13, lines 54-56). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of determining the end of the article or document to obtain the invention as specified in claim 4.

As per claim 6, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley also discloses determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

Claims 7-8 are rejected on the same basis as claim 1.

As per claim 11, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses identifying and locating lines of text within the pages of the digital document. (See Kelley, Figure 6, and Column 7, lines 13-23).

As per claim 12, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses determining whether a virtual-page boundary is coextensive with a line of text. (See Kelley, Figure 6, and Column 7, lines 13-23).

As per claim 13, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses adjusting the virtual-page boundary if the boundary is coextensive with a line of text so that the boundary is not coextensive with the line. (See Kelley, Column 6, lines 63-67, and Column 7, lines 1-4).

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As per claim 14, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses displaying a virtual page of the multiple virtual pages and doing so without displaying overlap. (See Kelley, Figure 4, and Column 6, lines 60-62).

As per claim 15, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeated content of a multiple virtual page starts at a common spatial position on the multiple virtual page. (See Kelley, Figure 6, and Column 7, lines 18-23).

As per claim 16, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses that the paginating includes determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

As per claims 17 and 18, Kelley and Warnock disclose the limitations of claim 9 as described above. Kelley also discloses computer-readable media having computer-executable instructions that, when executed by the computer, perform the method recited in claim 9. (See Kelley, Figure 5, element 102, Column 6, lines 63-67, Column 7, lines 1-4, and Column 7, lines 8-12).

As per claim 21, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses separating the one or more pages of the digital document into multiple virtual pages without splitting lines of text of the document. (See Kelley, Column 2, lines 22-26).

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As per claim 22, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses identifying lines of text within the digital document (See Kelley, Column 2, lines 22-23), and separating the one or more pages of the digital document into multiple virtual pages between lines of text. (See Kelley, Column 2, lines 34-38).

As per claim 23, Kelley and Warnock disclose the limitations of claim 19 as described above. Kelley also discloses a computer including one or more computer-readable media having computer-executable instructions that, when executed by the computer, perform the method recited in claim 19. (See Kelley, Column 7, lines 8-12, and Column 6, lines 60-62).

Claim 24 is rejected on the same basis as claim 16.

Claim 25 is rejected on the same basis as claim 23.

As per claim 26, Kelley discloses a method for enhancing the readability of a digital document including paginating one or more pages of a digital document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 13-23), and displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23). Kelley does not disclose expressly lowlighting repeated content on a virtual page. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24). Kelley and Warnock are analogous art because they are from the same problem-solving area of displaying text online. At the time of the invention it would have been obvious to



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a person of ordinary skill in the art to include the use of the lowlighting or half-tone of Warnock with the method disclosed by Kelley and Warnock. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 26.

Claim 28 is rejected on the same basis as claim 21.

Claim 29 is rejected on the same basis as claim 22.

Claim 30 is rejected on the same basis as claim 16.

Claim 31 is rejected on the same basis as claim 23.

Claim 32 is rejected on the same basis as claim 23.

As per claim 42, Kelley discloses a method for facilitating the enhanced readability of a digital document including determining an integer number of virtual pages per page of a digital document while maintaining legibility, aspect ratio, and good margins (See Kelley, Figure 6, and Column 7, lines 13-32), and paginating, accordingly, one or more pages of the digital document into multiple virtual pages. (See Kelley, Figure 5, element 102, and Column 7, lines 8-12). Kelley does not disclose expressly that the digital document is a fixed digital document. Warnock discloses obtaining a fixed (or predetermined format) digital document (See Warnock, Figure 3b). Kelley and Warnock are analogous art because they are from the same field of endeavor of viewing electronic documents. At the time of the invention it would have been obvious to a person

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of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-66). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of providing a familiar visual display of a fixed digital document to the reader to obtain the invention as specified in claim 42.

As per claim 43, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses determining the minimum integer number of virtual pages per page of the digital document. (See Kelley, Figure 6, and Column 7, lines 13-32).

As per claim 45, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses displaying one or more of the virtual pages. (See Kelley, Figure 4, and Column 6, lines 60-62).

As per claim 46, Kelley and Warnock disclose the limitations of claim 42 as described above. Kelley also discloses a computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method recited in claim 42. (See Kelley, Figure 4, Column 7, lines 8-32, and Column 6, lines 60-62).

Claim 47 is rejected on the same basis as claims 11, 12, 18 and 19.

As per claim 48, Kelley and Warnock disclose the limitations of claim 47 as described above. Kelley also discloses a system where the analyzer is

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configured to identify and locate lines of text within the one or more pages of the digital document (See Kelley, Figure 6, and Column 7, lines 13-32), determine whether a virtual-page boundary is coextensive with an identified line of text (See Kelley, Figure 6, and Column 7, lines 13-32), and responsive to such determining, adjust the virtual-page boundary if the boundary is coextensive with the identified line of text so that the boundary is not coextensive with the identified line. (See Kelley, Column 6, lines 63-67 and Column 7, lines 1-4).

Claim 51 is rejected on the same basis as claim 17.

Claim 50 is rejected on the same basis as claim 16.

As per claim 49, Kelley and Warnock disclose the limitations of claim 47 as described above. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24). Kelley also discloses that the overlap of one virtual page includes content of the document repeated from another virtual page (See Kelley, Figures 1 and 2, noting that lines 30 and 40 of Figure 2 are repeating lines 10 and 20 from Figure 1). Kelley and Warnock are analogous art because they are from the same problem-solving area of displaying text online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of the lowlighting or half-tone of Warnock with the method disclosed by Kelley and Warnock. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley for the

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benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 49.

Claim 52 is rejected on the same basis as claims 31, 47 and 49.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) as applied to claim 1 above, and further in view of Baum (U.S. Patent 6,188,779 B1).

As per claim 5, Kelley and Warnock disclose the limitations of claim 1 as described above. Kelley and Warnock do not disclose expressly performing at least minimal OCR on content of the document to locate line boundaries. Baum discloses performing OCR on the content of a document to determine boundaries. (See Baum, Column 5, lines 65-67, and Column 6, lines 1-27). Kelley, Warnock, and Baum are analogous art because they are from the same problem-solving area of paginating digital documents. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the OCR of the content of the document of Baum with the method and program for improving the readability of digital documents of Kelley and Warnock. The motivation for doing so would have been to identify regions of the document that are tightly defined about the probable text. (See Baum, Column 5, line 67, and Column 6, lines 1-2) Therefore, it would have been obvious to combine Baum with Kelley and Warnock for the benefit of locating gaps between

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tightly defined regions of text within the document to obtain the invention as specified in claim 5.

Claims 33-37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1) in view of Warnock (U.S. Patent 5,634,064) and Atkinson (U.S. Patent 4,622,545).

As per claim 33, Kelley discloses a method for improving the readability of a digital document including paginating one or more pages of the digital document into multiple virtual pages (See Kelley, Figure 5, element 102, and Column 7, lines 8-12), and displaying one or more virtual pages of the multiple virtual pages and doing so without overlap on a virtual page, where the overlap of one virtual page includes content of the document repeated from another virtual page. (See Kelley, Figure 4, and Column 6, lines 60-62). Kelley does not disclose expressly that the digital document is a fixed digital document. Kelley also does not disclose expressly indicating overlap during the displaying, where the content of overlap is differentiated from other content. Warnock discloses a fixed (or predetermined format) digital document (See Warnock, Figure 3b). Atkinson discloses indicating overlap that is differentiated from other content. (See Atkinson, Figure 7, and Column 10, lines 19-36). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the fixed digital document of Warnock with the method and program for improving the readability of digital

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documents of Kelley. The motivation for doing so would have been to present the document so as to appear to the reader in the same manner as was intended by the publisher. (See Warnock, Column 1, lines 63-66). Therefore, it would have been obvious to combine Warnock with Kelley for the benefit of providing a familiar visual display of a fixed digital document to the reader. It also would have been obvious to a person of ordinary skill in the art to include the indication of overlapping data of Atkinson with the method and program for improving the readability of digital documents of Kelley and Warnock. The motivation for doing so would have been to mask the regions of the data that are currently being displayed. (See Atkinson, Column 10, lines 37-40). Therefore, it would have been obvious to combine Atkinson with Kelley and Warnock for the benefit of identifying lines of data already displayed to obtain the invention as specified in claim 33.

As per claim 35, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley also discloses displaying virtual pages of the multiple virtual pages where unrepeated content of multiple virtual pages starts at a common spatial position on the multiple virtual pages. (See Kelley, Figure 6, and Column 7, lines 18-23).

As per claim 37, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Warnock also discloses that the overlap is shaded or highlighted in reverse video. (See Warnock, Column 9, lines 19-24). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have

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been obvious to a person of ordinary skill in the art to include the shading of Warnock with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18). Therefore, it would have been obvious to combine Warnock with Kelley, Warnock and Atkinson for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claim 37.

As per claim 39, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley also discloses determining a minimum integer number of virtual pages per page of the digital document while maintaining legibility, aspect ratio, and good margins. (See Kelley, Figure 6, and Column 7, lines 13-32).

Claims 40 and 41 are rejected on the same basis as claim 33.

As per claims 34 and 36, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Warnock also discloses lowlighting or using half-tone to visually identify context within a document. (See Warnock, Column 9, lines 19-24). Kelley, Warnock and Atkinson are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the lowlighting or half-tone of Warnock with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to provide a visual indicator of the next line of text to be read. (See Warnock, Column 9, lines 14-18).

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Therefore, it would have been obvious to combine Warnock with Kelley, Warnock and Atkinson for the benefit of identifying the next portion of text to be read to obtain the invention as specified in claims 34 and 36.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (U.S. Patent 6,694,485 B1), Warnock (U.S. Patent and Atkinson (U.S. Patent 4,622,545) as applied to claim 33 above, and further in view of Bereiter (U.S. Patent 5,909,217).

As per claim 38, Kelley, Warnock and Atkinson disclose the limitations of claim 33 as described above. Kelley, Warnock and Atkinson do not disclose expressly that the overlap is grayed. Bereiter discloses graying out portions of overlap. (See Bereiter, Figure 3, and Column 4, lines 35-49). Kelley, Warnock, Atkinson and Bereiter are analogous art because they are from the same field of endeavor of displaying data online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to including the graying out of overlapping data of Bereiter with the method and program for improving the readability of digital documents of Kelley, Warnock and Atkinson. The motivation for doing so would have been to help present the context of the non-grayed data. (See Bereiter, Column 4, lines 43-48). Therefore, it would have been obvious to combine Bereiter with Kelley, Warnock and Atkinson for the benefit of emphasizing the context of the page to obtain the invention as specified in claim 38.



***Response to Arguments***

In response to applicant's argument that there is no suggestion to combine the references, the Office recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, with regard to the motivation to combine Warnock with Kelley, one of ordinary skill in the art at the time of the invention would have been motivated to combine apply the improved readability method of Kelley to the fixed digital document of Warnock in order to present the fixed digital document in a format where the appearance of said document is viewable by a reader as it was intended by the publisher (See Warnock, Column 1, lines 63-66).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached at (571) 272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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LR

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER